

REFERENCE TITLE: school accountability; small schools; definition

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2040

Introduced by
Representative Anderson

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT
OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School accountability; schools failing to meet academic
5 standards; failing schools tutoring fund

6 A. The department of education shall compile an annual achievement
7 profile for each public school.

8 B. Each school shall submit to the department any data that is
9 required and requested and that is necessary to compile the achievement
10 profile. A school that fails to submit the information that is necessary is
11 not eligible to receive monies from the classroom site fund established by
12 section 15-977.

13 C. The department shall establish a baseline achievement profile for
14 each school by October 15, 2001. The baseline achievement profile shall be
15 used to determine a standard measurement of acceptable academic progress for
16 each school and a school classification pursuant to subsection G of this
17 section. Any disclosure of educational records compiled by the department of
18 education pursuant to this section shall comply with the family educational
19 and privacy rights act of 1974 (20 United States Code section 1232g).

20 D. The achievement profile for schools that offer instruction in
21 kindergarten programs and grades one through eight, or any combination of
22 those programs or grades, shall include the following school academic
23 performance indicators:

24 1. The Arizona measure of academic progress. The department shall
25 compute the extent of academic progress made by the pupils in each school
26 during the course of each year.

27 2. The Arizona instrument to measure standards test. The department
28 shall compute the percentage of pupils who meet or exceed the standard on the
29 Arizona instrument to measure standards test, as prescribed by the state
30 board of education.

31 3. The results of English language learners tests administered
32 pursuant to section 15-756, subsection B, section 15-756.05 and section
33 15-756.06.

34 E. The achievement profile for schools that offer instruction in
35 grades nine through twelve, or any combination of those grades, shall include
36 the following school academic performance indicators:

37 1. The Arizona instrument to measure standards test. The department
38 shall compute the percentage of pupils pursuant to subsection F of this
39 section who meet or exceed the standard on the Arizona instrument to measure
40 standards test, as prescribed by the state board of education.

41 2. The annual dropout rate.

42 3. The annual graduation rate.

43 4. The results of English language learners tests administered
44 pursuant to section 15-756, subsection B, section 15-756.05 and section
45 15-756.06.

1 F. Subject to final adoption by the state board of education, the
2 department shall determine the criteria for each school classification using
3 a research based methodology. The methodology shall include the performance
4 of pupils at all achievement levels, account for pupil mobility, account for
5 the distribution of pupil achievement at each school and include longitudinal
6 indicators of academic performance. For the purposes of this subsection,
7 "research based methodology" means the systematic and objective application
8 of statistical and quantitative research principles to determine a standard
9 measurement of acceptable academic progress for each school.

10 G. The achievement profile shall be used to determine a school
11 classification that designates each school as one of the following:

- 12 1. An excelling school.
- 13 2. A highly performing school.
- 14 3. A performing school.
- 15 4. An underperforming school.
- 16 5. A school failing to meet academic standards.

17 H. The classification for each school and the criteria used to
18 determine classification pursuant to subsection F of this section shall be
19 included on the school report card prescribed in section 15-746.

20 I. Subject to final adoption by the state board of education, the
21 department of education shall develop a parallel achievement profile for
22 accommodation schools, alternative schools as defined by the state board of
23 education and SMALL schools ~~with a student count of fewer than one hundred~~
24 ~~pupils~~ AS DEFINED BY THE STATE BOARD OF EDUCATION FOR THE PURPOSES OF THIS
25 SECTION.

26 J. If a school is designated as an underperforming school, within
27 ninety days after receiving notice of the designation, the governing board
28 shall develop an improvement plan for the school, submit a copy of the plan
29 to the superintendent of public instruction and supervise the implementation
30 of the plan. The plan shall include necessary components as identified by
31 the state board of education. Within thirty days after submitting the
32 improvement plan to the superintendent of public instruction, the governing
33 board shall hold a special public meeting in each school that has been
34 designated as an underperforming school and shall present the respective
35 improvement plans that have been developed for each school. The school
36 district governing board, within thirty days of receiving notice of the
37 designation, shall provide written notification of the classification to each
38 residence within the attendance area of the school. The notice shall explain
39 the improvement plan process and provide information regarding the public
40 meeting required by this subsection.

41 K. A school that has not submitted an improvement plan pursuant to
42 subsection J of this section is not eligible to receive monies from the
43 classroom site fund established by section 15-977 for every day that a plan
44 has not been received by the superintendent of public instruction within the
45 time specified in subsection J of this section plus an additional ninety

1 days. The state board of education shall require the superintendent of the
2 school district to testify before the board and explain the reasons that an
3 improvement plan for that school has not been submitted.

4 L. If a charter school is designated as an underperforming school,
5 within thirty days the school shall notify the parents of the students
6 attending the school of the classification. The notice shall explain the
7 improvement plan process and provide information regarding the public meeting
8 required by this subsection. Within ninety days of receiving the
9 classification, the charter holder shall present an improvement plan to the
10 charter sponsor at a public meeting and submit a copy of the plan to the
11 superintendent of public instruction. The improvement plan shall include
12 necessary components as identified by the state board of education. For
13 every day that an improvement plan is not received by the superintendent of
14 public instruction, the school is not eligible to receive monies from the
15 classroom site fund established by section 15-977 for every day that a plan
16 has not been received by the superintendent of public instruction within the
17 time specified in subsection J of this section plus an additional ninety
18 days. The charter holder shall appear before the sponsoring board and
19 explain why the improvement plan has not been submitted.

20 M. The department of education shall establish an appeals process, to
21 be approved by the state board of education, for a school to appeal data used
22 to determine the achievement profile of the school. The criteria established
23 shall be based on mitigating factors and may include a visit to the school
24 site by the department of education.

25 N. If a school remains classified as an underperforming school for a
26 third consecutive year, the department of education shall visit the school
27 site to confirm the classification data and to review the implementation of
28 the school's improvement plan. The school shall be classified as failing to
29 meet academic standards unless an alternate classification is made after an
30 appeal pursuant to subsection M of this section.

31 O. The school district governing board, within thirty days of
32 receiving notice of the school failing to meet academic standards
33 classification, shall provide written notification of the classification to
34 each residence in the attendance area of the school. The notice shall
35 explain the improvement plan process and provide information regarding the
36 public meeting required by subsection R of this section.

37 P. The superintendent of public instruction, based on need, shall
38 assign a solutions team to an underperforming school, a school failing to
39 meet academic standards or any other school pursuant to a mutual agreement
40 between the department of education and the school comprised of master
41 teachers, fiscal analysts and curriculum assessment experts who are certified
42 by the state board of education as Arizona academic standards technicians.
43 The department of education may hire or contract with administrators,
44 principals and teachers who have demonstrated experience with the
45 characteristics and situations in an underperforming school or a school

1 failing to meet academic standards and may use these personnel as part of the
 2 solutions team. The department of education shall work with staff at the
 3 school to assist in curricula alignment and shall instruct teachers on how to
 4 increase pupil academic progress, considering the school's achievement
 5 profile. The solutions team shall consider the existing improvement plan to
 6 assess the need for changes to curriculum, professional development and
 7 resource allocation and shall present a statement of its findings to the
 8 school administrator and district superintendent. Within forty-five days
 9 after the presentation of the solutions team's statement of findings, the
 10 school district governing board, in cooperation with each school within the
 11 school district that is designated an underperforming school and its assigned
 12 solutions team representative, shall develop and submit to the department of
 13 education an action plan that details the manner in which the school district
 14 will assist the school as the school incorporates the findings of the
 15 solutions team into the improvement plan. The department of education shall
 16 review the action plan and shall either accept the action plan or return the
 17 action plan to the school district for modification. If the school district
 18 does not submit an approved action plan within forty-five days, the state
 19 board of education may direct the superintendent of public instruction to
 20 withhold up to ten per cent of state monies that the school district would
 21 otherwise be entitled to receive each month until the plan is submitted to
 22 the department of education, at which time those monies shall be returned to
 23 the school district.

24 Q. The parent or the guardian of the pupil may apply to the department
 25 of education, in a manner determined by the department of education, for a
 26 certificate of supplemental instruction from the failing schools tutoring
 27 fund established by this section. Pupils attending a school designated as an
 28 underperforming school or a school failing to meet academic standards or a
 29 pupil who has failed to pass one or more portions of the Arizona instrument
 30 to measure standards test in grades eight through twelve in order to graduate
 31 from high school may select an alternative tutoring program in academic
 32 standards from a provider that is certified by the state board of education.
 33 To qualify, the provider must state in writing a level of academic
 34 improvement for the pupil that includes a timeline for improvement that is
 35 agreed to by the parent or guardian of the pupil. The state board of
 36 education shall annually review academic performance levels for providers
 37 certified pursuant to this subsection and may remove a provider at a public
 38 hearing from an approved list of providers if that provider fails to meet its
 39 stated level of academic improvement. The state board of education shall
 40 determine the application guidelines and the maximum value for each
 41 certificate of supplemental instruction. The state board of education shall
 42 annually complete a market survey in order to determine the maximum value for
 43 each certificate of supplemental instruction. Nothing in this subsection
 44 shall be construed to require the state to provide additional monies beyond
 45 the monies provided pursuant to section 42-5029, subsection E, paragraph 7.

1 R. Within sixty days of receiving notification of designation as a
2 school failing to meet academic standards, the school district governing
3 board shall evaluate needed changes to the existing improvement plan for the
4 school, consider recommendations from the solutions team, submit a copy of
5 the plan to the superintendent of public instruction and supervise the
6 implementation of the plan. Within thirty days after submitting the
7 improvement plan to the superintendent of public instruction, the governing
8 board shall hold a public meeting in each school that has been designated as
9 a school failing to meet academic standards and shall present the respective
10 improvement plans that have been developed for each school.

11 S. A school that has not submitted an improvement plan pursuant to
12 subsection R of this section is not eligible to receive monies from the
13 classroom site fund established by section 15-977 for every day that a plan
14 has not been received by the superintendent of public instruction within the
15 time specified in subsection R of this section plus an additional ninety
16 days. The state board of education shall require the superintendent of the
17 school district to testify before the board and explain the reasons that an
18 improvement plan for that school has not been submitted.

19 T. If a charter school is designated as a school failing to meet
20 academic standards, the department of education shall immediately notify the
21 charter school's sponsor. The charter school's sponsor shall either take
22 action to restore the charter school to acceptable performance or revoke the
23 charter school's charter. Within thirty days the school shall notify the
24 parents of the students attending the school of the classification and of any
25 pending public meetings to review the issue.

26 U. A school that has been designated as a school failing to meet
27 academic standards shall be evaluated by the department of education to
28 determine if the school failed to properly implement its school improvement
29 plan, align the curriculum with academic standards, provide teacher training,
30 prioritize the budget or implement other proven strategies to improve
31 academic performance. After visiting the school site pursuant to subsection
32 N of this section, the department of education shall submit to the state
33 board of education a recommendation to proceed pursuant to subsections P, Q
34 and R of this section or that the school be subject to a public hearing to
35 determine if the school failed to properly implement its improvement plan and
36 the reasons for the department's recommendation.

37 V. If the department does recommend a public hearing, the state board
38 of education shall meet and may provide by a majority vote at the public
39 hearing for the continued operation of the school as allowed by this
40 subsection. The state board of education shall determine whether
41 governmental, nonprofit and private organizations may submit applications to
42 the state board to fully or partially manage the school. The state board's
43 determination shall include:

44 1. If and to what extent the local governing board may participate in
45 the operation of the school including personnel matters.

1 2. If and to what extent the state board of education shall
2 participate in the operation of the school.

3 3. Resource allocation pursuant to subsection X of this section.

4 4. Provisions for the development and submittal of a school
5 improvement plan to be presented in a public meeting at the school.

6 5. A suggested time frame for the alternative operation of the school.

7 W. The state board shall periodically review the status of a school
8 that is operated by an organization other than the school district governing
9 board to determine whether the operation of the school should be returned to
10 the school district governing board. Before the state board makes a
11 determination, the state board or its designee shall meet with the school
12 district governing board or its designee to determine the time frame,
13 operational considerations and the appropriate continuation of existing
14 improvements that are necessary to assure a smooth transition of authority
15 from the other organization back to the school district governing board.

16 X. If an alternative operation plan is provided pursuant to subsection
17 V of this section, the state board of education shall pay for the operation
18 of the school and shall adjust the school district's student count pursuant
19 to section 15-902, soft capital allocation pursuant to section 15-962,
20 capital outlay revenue limit pursuant to section 15-961, base support level
21 pursuant to section 15-943, monies distributed from the classroom site fund
22 established by section 15-977 and transportation support level pursuant to
23 section 15-945 to accurately reflect any reduction in district services that
24 are no longer provided to that school by the district. The state board of
25 education may modify the school district's revenue control limit, the
26 district support level and the general budget limit calculated pursuant to
27 section 15-947 by an amount that corresponds to this reduction in services.
28 The state board of education shall retain the portion of state aid that would
29 otherwise be due the school district for the school and shall distribute that
30 portion of state aid directly to the organization that contracts with the
31 state board of education to operate the school.

32 Y. If the state board of education determines that a charter school
33 failed to properly implement its improvement plan, the sponsor of the charter
34 school shall revoke the charter school's charter.

35 Z. If there are more than two schools in a district and more than
36 one-half, or in any case more than five, of the schools in the district are
37 designated as schools failing to meet academic standards for more than two
38 consecutive years, in the next election of members of the governing board the
39 election ballot shall contain the following statement immediately above the
40 listing of governing board candidates:

41 Within the last five years, (number of schools) schools in the
42 _____ school district have been designated as "schools
43 failing to meet academic standards" by the superintendent of
44 public instruction.

1 AA. At least twice each year the department of education shall publish
2 in a newspaper of general circulation in each county of this state a list of
3 schools that are designated as schools failing to meet academic standards.
4 BB. The failing schools tutoring fund is established consisting of
5 monies collected pursuant to section 42-5029, subsection E as designated for
6 this purpose. The department of education shall administer the fund. The
7 department of education may use monies from the fund to purchase materials
8 designed to assist students to meet the Arizona academic standards and to
9 achieve a passing score on the Arizona instrument to measure standards test
10 in order to graduate from high school.